



~~May 15, 2007 CPC~~

~~June 19, 2007 CPC~~

July 17, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07TW0326

Zeno and Charlotte Rousseau
Bailey Ridge Estates

Clover Hill Magisterial District
East line of Bailey Woods Dr.

REQUEST: Development Standards Waiver to the Zoning Ordinance provision in Section 19-510 (a)(1) to permit a recreational vehicle (RV) to be parked in an area of the front yard outside of the required rear yard. Please note this request is a result of a complaint.

RECOMMENDATION

Staff recommends denial of the Development Standards Waiver for the following reasons:

1. Approval of this application may have adverse impacts on the neighborhood.
2. Approval of this application may set precedent for future applications of this type.

If the Planning Commission should elect to approve this application, staff recommends that the Condition be included.

CONDITION

This Development Standards Waiver shall be granted exclusively to Zeno and Charlotte Rousseau, and not transferable with the land.

GENERAL INFORMATION

Applicant/Owner:

Zeno and Charlotte Rousseau

Location:

East line of Bailey Woods Dr, also known as, Section D, Lot 65 of Bailey Ridge Estates, Tax ID 742-679-1230-00000 (Sheet 16).

Existing Zoning and Land Use:

R-9; Single-family residential

Size:

.237 acre

Adjacent Zoning and Land Use:

North, South, East and West – R-9; Single family residential

BACKGROUND

This request is to permit a sixteen (16) foot boat and trailer to be parked in the front yard of the subject property. This request is the result of an anonymous complaint from the community. After receiving the complaint the applicant reviewed the situation with Staff and it was determined that a request for a Development Standards Waiver may be an appropriate option to resolve this situation. The ordinance requires recreational vehicles to be parked in the rear yard, located behind the rear plain of the house, at least five (5) feet from the side property line and ten (10) feet from the rear property line. The applicants have submitted information demonstrating the limitations of the property and why they cannot meet ordinance requirements. (See Attachment 1) The applicants are requesting to continue to park the sixteen (16) foot boat and trailer in front of the dwelling on the property. According to the applicant, the boat has been parked on this lot for the last eleven (11) years. This property is zoned Residential (R-9) which requires a typical front yard setback of thirty (30) feet for the existing dwelling.

Staff visited the subject property and noted a concrete driveway extending from the road and along the east (left) side of the dwelling. The drive is also supported by a four (4) foot retaining wall at the rear yard. Staff also noted a detached accessory structure located within the driveway directly alongside the dwelling. (See Attachment 2) Located to the west (right) side of the home is a mature stand of trees with landscape and lawn gradually sloping toward the rear yard. The current location of the boat storage is directly in front of the dwelling and approximately fifteen (15) feet from the front property line. (See Attachments 2-4)

CONCLUSIONS

Staff believes that the current location of the boat in the front yard is not adequate to provide any screening. The existing shed in the driveway precludes the owner's ability at a minimum to park the boat next to the home and provide some screening. Staff believes that this application, if approved, may have adverse impacts on the neighborhood. Additionally, approval of this application could set precedent for future applications of this nature.

Staff recommends denial of this request. If the Planning Commission should elect to approve this application, staff recommends the Condition in this report be included.

CASE HISTORY

Planning Commission Meeting (5/15/07):

The Commission deferred this request to June 19, 2007.

Planning Commission Meeting (6/19/07):

The Commission deferred this request to July 17, 2007.

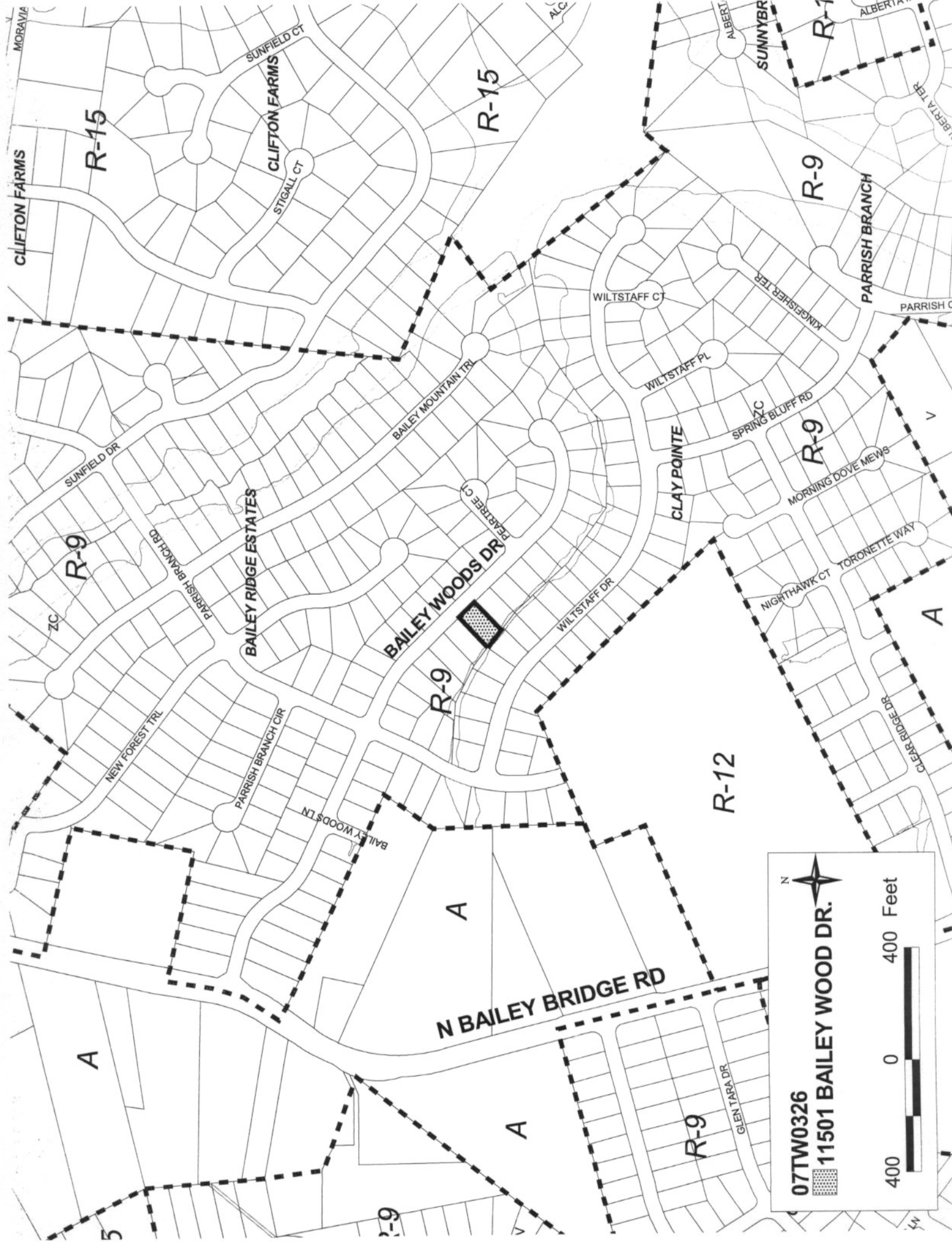
REQUIRED FINDINGS – Section 19-19

The Planning Commission may grant a Development Standards Waiver to development standards or requirements specified in the Zoning Ordinance if it is determined to be in substantial compliance with all of the following factors:

- (1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such property the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property.
- (2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- (3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.
- (4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
- (5) The granting of such modification will allow the project to comply with the Comprehensive Plan.

The Planning Commission shall not grant a modification to any development standard or requirement if:

- (1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.
- (2) Ordinary financial considerations are the principal reason for the requested modification.
- (3) The modification amends a property-specific condition imposed by the Board of Supervisors or the Board of Zoning Appeals, unless such condition specifically grants such modification authority to the Planning Commission.
- (4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.



07TW0326
11501 BAILEY WOOD DR.

N

400 0 400 Feet

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RECEIVED

REASONS WHY I AM ASKING FOR A DEVELOPMENTAL
STANDARDS WAIVER

MAR. 5, 07

MAR 06 2007

DIRECTOR
PLANNING DEPT.

1. EAST side of my home AND THE property LINE, THERE IS ABSOLUTELY NO ROOM TO PASS INTO THE REAR YARD AT ALL DO TO A CONCRETE DRIVEWAY THAT IS BUILT! - THE DRIVEWAY EXTENDS TO THE REAR OF THE HOUSE, AND IS LEVEL, ONLY ALLOWED BY A RETAINING WALL WITH A 4 FT. DROP OFF AT THE REAR OF THE HOME DUE TO THE LANDSCAPE OF THE YARD WHICH SLOPES (OR DECLINES) PROBABLY SOM 10 OR 12 FEET FROM BAILEY WOODS DR TO THE BACK OF 11501'S LOT (WHICH IS A SMALL CREEK)
2. ON THE WEST side OF my home AND THE NEIGHBORS property LINE (11507 BAILEY WOODS DR.) BECAUSE OF THE LANDSCAPE, TREES, DECLINE OF THE GROUND GOING FROM NORTH TO SOUTH, AND THE NEIGHBORS REAR YARD FENCE, ALONG WITH THE TOOL shed IN my BACK YARD, EVEN GETTING INTO my back yard WITH A VEHICLE, LET ALONE PULLING OR PUSHING A BOAT IS IMPOSSIBLE!
3. THE boat (WHICH IS 16' FT LONG) IS CURRENTLY PARKS IN my CONCRETE driveway WHICH I BUILT MYSELF AND PURPOSLY BUILT WITH INTENTIONS OF PARKING A BOAT THERE, WHICH I'VE ALWAYS DONE SINCE I'VE LIVED AT THIS ADDRESS (11 YEAR AND IS AT A MINIMUM OF 30 FT FROM BAILEY WOODS DR AND SO OR 60 FT FROM THE COUNTY WATER METER, AND TO my KNOWLEDGE POSES NO THREAT OR DANGER TO public HEALTH.
4. AS FAR AS ANY EYESORE IS PRESENT, IT IS my belief AS WELL AS MANY OF my NEIGHBORS (WHICH BY THE WAY I give FISH TO ALL OF them) AND EVEN INCLUDING OUR MAIL DELIVERY WOMAN - THAT my WIFE AND I KEEP PROBABLY ONE OF THE BEST LOOKING yards, INCLUDING A FLOWER GARDEN, WE ALWAYS

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CLEAN OUR DRIVEWAY - AND THE UPKEEP ON OUR VEHICLES IS ALWAYS KEPT CLEAN AND UPDATED. AND AS FAR AS WE KNOW (AND ARE TOLD BY SEVERAL OF OUR NEIGHBORS) THAT WE ARE NEAT, CLEAN, FRIENDLY AND DESIRABLE NEIGHBORS.

5. I'M NOT SURE HOW TO WORD THIS EXACTLY, BUT BY GRANTING THIS WAIVER I DON'T BELIEVE WILL DISRUPT ANY ZONING LAWS OR MAKE FOR ANY AMENDMENT FOR REASON OF FUTURE RESIDENTS AS IF PROPERTY IS EVER SOLD, THE NEW RESIDENTS MAY NOT OWN A BOAT OR RECREATIONAL VEHICLE!

6. GRANTING ME THIS WAIVER WILL ALLOW ME TO PARK MY BOAT AT MY HOME AND BE IN COMPLIANCE WITH CHESTER FIELD COUNTY ZONING ORDINANCE! SECTION

THANK YOU
Z.W. Rousseau

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Attachment 2



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Attachment 3



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Attachment 4

